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PATENT

Attorney Docket No.: A-68950-1/RMS/DCF/SRN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

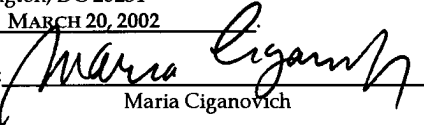
In re Application)
Inventor(s): Kain *et al.*) Examiner: B.J. Forman
Application No.: 09/782,588) Group Art Unit: 1634
Filed: February 12, 2001)
Title: ALTERNATIVE SUBSTRATES)
AND FORMATS FOR BEAD-)
BASED ARRAY OF ARRAYS™)

CERTIFICATE OF MAILING

I hereby certify that this correspondence, including listed enclosures, is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231

on MARCH 20, 2002

Signed:


Maria Ciganovich

RESPONSE TO RESTRICTION REQUIREMENT AND
PRELIMINARY AMENDMENT

Assistant Commissioner for Patents
BOX RESPONSE - NO FEE
Washington, DC 20231

Sir:

This is in response to the Restriction Requirement mailed February 21, 2002. The Commissioner is authorized to charge additional fees which may be required, including extension fees, or credit any overpayment, to Deposit Account No. 06-1300 (Our Order No. A-68950-1/RMS/DCF).

In response to the Restriction Requirement, Applicants elect for further

prosecution the claims of Group I, namely Claims 1-4, 6-12, and 18-25. This election is made without traverse.

In addition, prior to examination, please amend the above-identified application as follows:

In the Claims:

Please cancel Claims 5, 13-17, and 26 without prejudice as drawn to the non-elected invention.

Please amend the following claims:

A1

6. (Amended) The composition according to claim 1, wherein the distance between centers of a first and second microsphere of said first subpopulation is at least 5 mm.

A2

8. (Amended) A composition according to claim 1, wherein said substrate further comprises first and second assay locations, wherein said first and second subpopulations are distributed in said first and second assay locations.

REMARKS

Claims 1-4, 6-12, and 18-25 are pending. For the Examiner's convenience, a copy of the "Pending Claims" is appended hereto (Appendix A) and a copy of the "Marked-up Version of the Claims" is also appended hereto (Appendix B). Support for amended claims 1, 6 is found in the claims as filed. Applicants submit that the amendments contains no new matter, because they merely take out references to claims that are cancelled as drawn to a non-elected invention. Applicants respectfully request entry of the amendment.

Application No. 09/782,588
Filed: February 12, 2001

CONCLUSION

Applicants submit that the claims are now in form for allowance. An early notification to that effect is respectfully requested.

Respectfully submitted,

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